



Agenda Date: 4/3/02

Agenda Item: 3L

## **STATE OF NEW JERSEY**

### **Board of Public Utilities**

*Two Gateway Center  
Newark, NJ 07102*

IN THE MATTER OF COMCAST )	<u>CABLE TELEVISION</u>
CABLEVISION OF SOUTH JERSEY, INC. )	
(PLEASANTVILLE/VINELAND) FOR )	
APPROVAL OF THE FILING OF FCC 1205 )	ORDER ADOPTING STIPULATION
DETERMINING REGULATED INSTALLATION )	
AND EQUIPMENT COSTS USING THE )	
OPTIONAL EXPEDITED RATE PROCEDURES) )	DOCKET NO. CR01110743

(SERVICE LIST ATTACHED)

BY THE BOARD:

On November 2, 2001, Comcast Cablevision of South Jersey, Inc. (Pleasantville/Vineland) ("Petitioner") filed an aggregate Federal Communications Commission ("FCC") Form 1205, Docket Number CR01110743, seeking approval by the Board of Public Utilities ("Board") for regulated equipment and installation costs pursuant to the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. § 543 et seq., and provisions of the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq.

The Board, at its public meeting on January 10, 1996, in Docket Number CX95120636, approved the implementation of Optional Expedited Rate Procedures for the processing of certain filings made with the Office of Cable Television ("OCTV"). The intended purpose of these procedures is to grant final rates as quickly as possible to any cable company that chooses this process. In the spirit of cooperation based on the principles of Alternate Dispute Resolution ("ADR"), the discovery content is limited, thereby reducing the timeframe for settlement.

Petitioner chose to pursue its filing with the Board through the approved procedures. To that end, a pre-transmittal conference was held on December 6, 2001 and attended by representatives of the Petitioner, the Division of the Ratepayer Advocate and Board Staff. Petitioner agreed to waive its Office of Administrative Law ("OAL") litigation rights for this matter. It should be noted that Petitioner's waiver was a knowing, voluntary and intelligent waiver of its litigation rights at the OAL and that the waiver did not constitute a circumvention of the FCC rules nor did it affect Petitioner's right to appeal in that forum.

Petitioner notified its customers of the rate changes by way of newspaper announcements informing them of their opportunity to submit written comments to the Board for a period of thirty

days. The notices appeared in the Egg Harbor News, Mainland Journal, The Hammonton News and The Atlantic County Record on December 27, 2001, The Daily Journal on December 28, 2001, The Gloucester County Times and Today's Sunbeam on December 30, 2001, the Courier Post on January 2, 2002, The Atlantic County Record on January 3, 2002, The Cape May County Gazette on January 9, 2002 and The Gazette of Upper Township on January 10, 2002. During this time, no comments were received.

After review by Staff and the Ratepayer Advocate of the supporting documentation, schedules and other discovery requests, a settlement conference was held on December 10, 2001. On February 14, 2002, the parties entered into a Stipulation of Settlement.

The Board, therefore, DIRECTS Petitioner to issue the refund due its affected subscribers in the Lambertville and Hopewell systems pursuant to the Stipulation of Settlement within sixty (60) days of the date of this Order, and to inform the subscribers of the reason for the refund. Said refund shall be denominated "BPU Refund" on the subscribers' bills.

Petitioner, within ten (10) days of the final payment of the refund to the affected subscribers, is HEREBY ORDERED to notify the OCTV in writing of the date the refund was paid, the total amount refunded and to certify that the refund has been completed.

The Board has reviewed the Stipulation of Settlement and FINDS it to be reasonable, in the public interest and in accordance with the law. Therefore, the Board HEREBY ADOPTS the Stipulation of Settlement (attached hereto) as its own, incorporating by reference the terms and conditions therein as if fully set forth at length herein.

The Board FURTHER ORDERS that should these cable systems, or any part thereof, merge, and/or migrate to another system, be upgraded and/or rebuilt, its ownership or control be otherwise sold or transferred to another entity, the basic service tier rate that will be eliminated or superseded as a result of the merger, migration, upgrade, rebuild, sale or transfer must be "trued-up" [47 C.F.R. § 76.922 (e) (3)]. The final true-up for the affected system, or any part thereof, should be calculated on FCC Form 1240 and begin where the last true-up period ended on its prior FCC Form 1240. This true-up calculation shall be filed with the Board when all the affected subscribers are being charged the rate resulting from the merger, migration, upgrade, rebuild, sale or transfer and may be filed in conjunction with the annual rate adjustment cycle (Form 1240) established as a result of said merger, migration, upgrade, rebuild, sale or transfer.

The cable systems, or any part thereof, may be subsequently deregulated as a result of a finding by the Board, the FCC or other party of competent jurisdiction, that these systems, or any portion thereof, is subject to effective competition. Should that be the case, the last basic service rate established as a result of a prior FCC Form 1240 or such subsequent rate calculation method as may be heretofore adopted by the Board, the FCC or other party of competent jurisdiction, prior to the deregulation of any rate that is now or may in the future be

subject to the Board's jurisdiction, must be trued-up for the period of time that the affected rates were subject to regulation by the Board.

DATED: April 4, 2002

BOARD OF PUBLIC UTILITIES  
BY:

(signed)

JEANNE M. FOX  
PRESIDENT

(signed)

FREDERICK F. BUTLER  
COMMISSIONER

(signed)

CAROL J. MURPHY  
COMMISSIONER

(signed)

CONNIE O. HUGHES  
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO  
BOARD SECRETARY

IN THE MATTER OF  
COMCAST CABLEVISION OF SOUTH JERSEY, INC.  
(PLEASANTVILLE/VINELAND)  
FCC FORM 1205 USING THE  
OPTIONAL EXPEDITED RATE PROCEDURES

DOCKET NUMBER: CR01110743

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